

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH KELSCH,

Plaintiff,

v.

BUFFALO & PITTSBURGH RAILROAD; and
GENESEE & WYOMING INC.,

Defendants.

CIVIL ACTION

No. 1:21-CV-119

JURY TRIAL DEMANDED

Electronically Filed

STIPULATION OF DISMISSAL

The following Stipulation is entered by and between Plaintiff Joseph Kelsch, and Defendants Buffalo & Pittsburgh Railroad, Inc. and Genesee & Wyoming Inc.

WHEREAS, at all times relevant to the Complaint filed in this action, Plaintiff's employer was Buffalo & Pittsburgh Railroad, Inc. ("BPRR"), which is a common carrier by rail and the proper defendant with respect to Plaintiff's claims under the Federal Employers' Liability Act.

WHEREAS, Genesee & Wyoming Inc. is the parent of BPRR, but is not Plaintiff's employer and is not a common carrier by rail.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that Genesee & Wyoming Inc. is hereby dismissed from this action pursuant to Rule 41(a)(1)(A)(ii).

FURTHER, the parties stipulate and agree that Plaintiff's prayer for relief of unliquidated damages as set forth in the Complaint is stricken.

Respectfully submitted,

COFFEY, KAYE, MYERS & OLLEY

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/ Lawrence A. Katz

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Counsel for Defendants,
Buffalo & Pittsburgh Railroad, Inc. and
Genesee & Wyoming Inc.

CERTIFICATE OF SERVICE

I, Scott D. Clements, Esquire hereby certify that a true and correct copy of the foregoing Stipulation of Dismissal was filed using the Court's CM/ECF System on the 6th day of May, 2021 and which will send notification of such filing to all counsel of record as follows:

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